

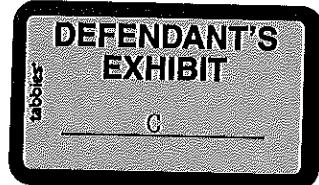
ALVERENE BUTLER

v.

**ALABAMA DEPARTMENT OF TRANSPORTATION, et
al.**

KAREN STACEY

January 4, 2007



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Fax: 334.262.4437**

KAREN STACEY - 1/4/2007

1
IN THE UNITED STATES DISTRICT CIRCUIT
2 FOR THE MIDDLE DISTRICT OF ALABAMA
3 NORTHERN DIVISION
4
5 ALVERENE BUTLER,
6 Plaintiff,
7 vs. CASE NO. 2:06-CV-278-MEF
8 ALABAMA DEPARTMENT OF
9 TRANSPORTATION, et al.,
10 Defendants.

11 * * * * *
12 DEPOSITION
13 OF
14 KAREN STACEY,

15 taken pursuant to notice and stipulation on
16 behalf of the Plaintiff, and the ALABAMA
17 DEPARTMENT OF TRANSPORTATION, 1409 Coliseum
18 Boulevard, Room K-101, Montgomery, Alabama
19 36130-3050, before DAWN A. GOODMAN, Certified
20 Shorthand Reporter and Notary Public in and for
21 the State of Alabama at Large, on Thursday,
22 January 4, 2007, commencing at 10:10 o'clock
23 a.m.

3
STIPULATIONS

1
2 It is hereby stipulated and agreed by
3 and between counsel representing the parties
4 that the Deposition of Karen Stacey is taken
5 pursuant to notice and stipulation on behalf of
6 the Plaintiff; that all formalities with
7 respect to procedural requirements are waived;
8 that said deposition may be taken before
9 DAWN A. GOODMAN, Certified Shorthand Reporter
10 and Notary Public in and for the State of
11 Alabama at Large, without the formality of a
12 commission; that objections to questions, other
13 than objections as to the form of the
14 questions, need not be made at this time, but
15 may be reserved for a ruling at such time as
16 the deposition may be offered in evidence or
17 used for any other purpose as provided for by
18 the Civil Rules of Procedure for the State of
19 Alabama.

20 It is further stipulated and agreed by
21 and between counsel representing the parties in
22 this case that the filing of the Deposition of
23 Karen Stacey is hereby waived and that said

2
APPEARANCES

3 FOR THE PLAINTIFF:

4 JAY LEWIS, Esquire
5 847 South McDonough Street
6 Suite 100
7 P.O. Box 5059
8 Montgomery, Alabama 36104

10 FOR THE DEFENDANTS:

11 HARRY LYLES, Esquire
12 Alabama Department of Transportation
13 1409 Coliseum Boulevard
14 Room K-101
15 Montgomery, Alabama 36130-3050

17 ALSO PRESENT:

18 Alverene Butler
19 Todd Jackson
20 Mark Waits

1
2 deposition may be introduced at the trial of
3 this case or used in any other manner by either
4 party hereto provided for by the Statute,
5 regardless of the waiving of the filing of
6 same.

6 It is further stipulated and agreed by
7 and between the parties hereto and the witness
8 that the signature of the witness to this
9 deposition is hereby waived.

10 * * * * *
11
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23

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1	INDEX	5	1	job?
2	Page		2	A. I worked in construction.
3	Examination by Mr. Lewis	6	3	Q. Okay. And what was your job title?
4			4	A. EA II/III.
5			5	Q. Is that engineering assistant?
6			6	A. Yes, sir.
7			7	Q. Go back and tell me when you joined the
8			8	Department of Transportation, and how you
9			9	progressed in the jobs you held at the
10			10	Department.
11			11	A. I came to work in December of 1988. I
12			12	came as a Steno II. I worked at the
13			13	District Office. And I worked there
14			14	until, I believe, '93 or '94. I had
15			15	taken the EA test and I got that
16			16	position. And then I went into the
17			17	Division Office in the --
18			18	MR. LYLES: Karen, excuse me.
19			19	Ms. Butler is here.
20			20	A. -- Design Bureau. And I stayed there six
21			21	months and then went out into
22			22	construction back under District Three.
23			23	Q. (By Mr. Lewis) Where is District Three?
1	PROCEEDINGS	6	1	A. Under Division Six. It's in Montgomery
2	THE COURT REPORTER: Did counsel		2	County.
3	want the usual stipulations?		3	Q. And so I'm familiar with it, or aware of
4	MR. LEWIS: Sure.		4	it, the Department is divided into
5	MR. LYLES: That's fine.		5	divisions. And do those Divisions govern
6			6	a specific geographical area?
7	(KAREN STACEY,		7	A. Yes, sir.
8	of lawful age, having		8	Q. Okay. And Division Six is in
9	been duly sworn,		9	Montgomery?
10	testified as follows:)		10	A. Yes, sir.
11			11	Q. And under each division there are a
12	EXAMINATION		12	number of districts?
13			13	A. Yes, sir.
14	BY MR. LEWIS:		14	Q. Okay. How many districts are there in
15	Q. (By Mr. Lewis) Tell us your name, please.		15	Division Six?
16	A. Karen Stacey.		16	A. I don't know. I think five.
17	Q. Ms. Stacey, how are you employed today?		17	Q. Okay. Let me go through just a couple of
18	A. Retired.		18	little points before we go any further.
19	Q. Okay. When did you retire?		19	We are taking your deposition in the case
20	A. April 1st, 2006.		20	that Ms. Butler has filed against the
21	Q. And from what did you retire?		21	Department of Transportation and certain
22	A. DOT.		22	individuals. We are going to be asking a
23	Q. What was your job at DOT, your last		23	few more questions.

2 (Pages 5 to 8)

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	9	11
1)	If you don't understand a question, I'm asking, please tell me. There are no right answers or wrong answers. They are just answers. If I'm using a word with which you are not familiar, or a concept with which you are not familiar, I will ask you to stop me and make me clarify it, because we all ask questions in a convoluted fashion sometimes. This is not going to be a long deposition. But if at any time you need to take a break, that's fine. Take a break.	1 A. Todd Jackson. 2 Q. When did you first begin reporting to Todd Jackson? 3 A. I'm not sure the exact year. 4 Q. Had you worked under another supervisor prior to that? 5 A. Yes. 6 Q. And who was that? 7 A. Jimmy Bradshaw. 8 Q. Jimmy who? 9 A. Bradshaw. 10 Q. Bradshaw. And when you left Mr. Bradshaw's supervision to go to the last job you had, was that a change of locations, a change of projects, or what? 11 A. Jimmy Bradshaw quit the State, and Todd took his place. 12 Q. Okay. So it was just a replacement of the supervisor? 13 A. Uh-huh, yes. 14 Q. Who did you work for prior to Mr. Bradshaw?
14)	15 The questions I have to ask everybody: Are you under the influence of any medications or other substance that might alter your ability to perceive what I am asking to give an accurate, truthful response? 16 A. No. 17 Q. Okay. Have you ever given your deposition before? 18 A. Yes.	10
19)	20 Q. Then you probably know most of the ground rules. The one that I will ask you to adhere to is please answer my questions verbally with a "yes" or a "no." Don't nod your head, shake your head or say "uh-huh" or "huh-huh." Okay? 21 A. Okay. 22 Q. All right. When did you first meet Ms. Butler? 23 A. When she came -- well, when she came to the District Three, I'm not sure what year. 24 Q. When, again, did you come to District Three? 25 A. 1988. 26 Q. Were you always under the same supervisors since 1988? 27 A. Was I? 28 Q. Yes. 29 A. No. 30 Q. What supervisor -- to what supervisor did you report at the time of your retirement?	12
31)	32 A. Mr. Wiliford. 33 Q. And did Mr. Bradshaw replace Mr. Wiliford or did you transfer? 34 A. I think so. 35 Q. You think what? 36 A. I don't recall right this minute, I am thinking Richard retired and then Jimmy took his place. 37 Q. In other words -- 38 A. But I can't remember. 39 Q. During that period of time you didn't move or change offices, but your supervisors changed above you? 40 A. Well, we changed locations because, as they build roads or projects they tear down houses sometimes, so we had to move locations, but I was still in the same project. 41 Q. Same group? 42 A. Uh-huh, yes. 43 Q. All right. Okay. So you were already in the group when Ms. Butler moved in? 44 A. Yes.	

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	13		15
1 Q. When she got there, how did you two get		1 A. Yes.	
2 along?		2 Q. Okay. You poured concrete?	
3 A. Fine.		3 A. No. That's the contractor's job.	
4 Q. Did you have an opportunity to work with		4 Q. Did you pour cylinders for testing?	
5 her?		5 A. Yes.	
6 A. Yes.		6 Q. You did? Okay. Did you take those	
7 Q. How was her work performance?		7 cylinders to the place to be tested?	
8 A. I mean, it was fine. I'm not her		8 A. Yes.	
9 supervisor, but we did our job.		9 Q. Did you perform other measurements and	
10 Q. Okay. And you don't have any particular		10 tests?	
11 complaints about the way she did her		11 A. Yes.	
12 job?		12 Q. And did Ms. Butler do that too?	
13 A. I mean, I wasn't in a position to		13 A. Yes.	
14 complain.		14 Q. Did you ever suggest to Mr. Jackson that	
15 Q. You worked with her?		15 Ms. Butler had not worked the hours that	
16 A. Well, not at first.		16 she claimed to have worked?	
17 Q. Okay.		17 A. No.	
18 A. We were in the same office.		18 Q. Did you make that claim about either	
19 Q. When did you start working with her?		19 Mr. Johnson or Mr. Wynn or Ms. Knight?	
20 A. There was Project Engineers in the same		20 A. No.	
21 building. She worked for one, and I		21 Q. Were you involved in an automobile	
22 worked for one.		22 accident sometime in 2005?	
23 Q. Okay.		23 A. Yes.	
	14		16
1 A. Then she was moved eventually to the one		1 Q. Tell me about that accident.	
2 that I was with, and we worked in the		2 A. We had left the job site to go get	
3 office, and then when we got a paving		3 something to eat at Taco Bell, and I was	
4 project, we both went out to the field		4 pulling across traffic. It was raining,	
5 together.		5 and I was in the suicide lane, and I --	
6 Q. So you had an opportunity to observe her		6 there was nothing coming from down toward	
7 in the field and her work?		7 the interstate our way, and I pulled	
8 A. Yes.		8 across. And a guy at Entec, he pulled	
9 Q. Any particular complaints about the way		9 out, and I was committed, tried to stop.	
10 she did her work?		10 It was raining and, you know, me and	
11 A. I mean, I don't understand what you want		11 Alverene both were yelling, you know,	
12 me --		12 "He's going to hit us," or Alverene was	
13 Q. Let me back up. Did she do her work well		13 yelling, "stop" and he came across the	
14 from what you observed?		14 front of the car.	
15 A. As long as me and her were together. I		15 Q. Okay.	
16 can't tell you when we weren't		16 A. Truck.	
17 together.		17 Q. Did you hit him, or did he hit you? That	
18 Q. Right; as long you were together, her		18 may be a bad question. First of all,	
19 work was good?		19 tell me what a suicide lane is.	
20 A. We did what we were supposed to do.		20 A. It's the lane in the mirror that has	
21 Q. All right. Okay. When you were in the		21 arrows pointing both ways, you know.	
22 field, did you actually do manual		22 That's what I think we just kind of	
23 labor?		23 call -- we call it.	

4 (Pages 13 to 16)

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	17	19
1) Q. When I am asking who hit whom, you didn't	1 A. Yes.	
2 hit head on?	2 Q. Okay. And how did you become aware of	
3 A. No.	3 that?	
4 Q. Okay. Did your car -- the front of your	4 A. From James Feagin.	
5 car -- impact the other car?	5 Q. Who is James Feagin?	
6 A. No; he come across, the front of mine.	6 A. He was an EA with us.	
7 Q. Okay. So the front of his car hit your	7 Q. Is he now deceased?	
8 car?	8 A. Yes.	
9 A. Yes. He come across the side of his	9 Q. And what exactly did James Feagin tell	
10 car.	10 you?	
11 Q. All right.	11 A. That that's what Rene was saying.	
12 A. Hit the front of the truck.	12 Q. What was?	
13 Q. Okay. Well, that's what I am asking.	13 A. That I said M-F-N.	
14 You were continuing to drive forward and	14 Q. Okay. Did he also tell you that she had	
15 he cut in front of you; correct?	15 told a different version of how the	
16 A. Correct.	16 accident occurred?	
17 Q. Okay. And you hit the side of his car?	17 A. I don't remember him saying that. We	
18 A. He come across the front of the State	18 were talking about what the racial slurs	
19 truck. My air bags didn't go off. I did	19 were.	
20 not strike him. The air bags didn't go	20 Q. Okay. So it was your understanding that	
21 off or nothing. He was pulling out of	21 she had reported to somebody that you had	
22 Entec. I was trying to stop. The roads	22 used that racial slur?	
23 were wet and, when we came to a stop, he	23 A. To the other Blacks.	
)	18	20
1 had went across and he hit the front of	1 Q. Okay. But that's something that you	
2 the State truck.	2 deny?	
3 Q. And did you report to anybody about that	3 A. Yes.	
4 accident?	4 Q. At some point, did you discuss that	
5 A. Yes.	5 matter with Ms. Butler?	
6 Q. And to whom are you required to report	6 A. Yes.	
7 when you have an accident like that?	7 Q. Okay. Tell me when that happened.	
8 A. If there is an injury, 911, and Todd.	8 A. Do you want the date? It was in April.	
9 Q. You report to your supervisor?	9 Q. Okay. Of 2005?	
10 A. Yes.	10 A. Yes. The wreck happened in January.	
11 Q. At any point immediately following that	11 Q. Tell me how that conversation came about.	
12 accident, did you comment to Alverene or	12 A. We were out on the job site taking	
13 anybody else, quote, "did you see that	13 cross-sections and, Jesse made the	
14 stupid motherfucking nigger hit me?"	14 comment that if Rene had something to say	
15 A. No.	15 she should go on and say it. So we were	
16 Q. You didn't say anything like that?	16 trying to take cross-sections, so I told	
17 A. No.	17 her, I asked, did she have something to	
18 Q. Never used that word?	18 say. She got out of the truck. She come	
19 A. No.	19 over there and said that I said M-F-N.	
20 Q. All right. Did, at some point, you	20 Q. Okay. And what happened then?	
21 become aware that Alverene had told a	21 A. I denied it.	
22 different story about that accident than	22 Q. Anything else?	
23 you did?	23 A. What are you asking?	

5 (Pages 17 to 20)

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	21	23
1 Q. Tell me the whole conversation. All I 2 here -- 3 A. With all of the employees or just with 4 me? 5 Q. With you and Ms. Butler. 6 A. I denied it, and she said that that's 7 what I said. 8 Q. Was there anything further to that 9 conversation? 10 A. With other employees, there was. 11 Q. And tell me about that. 12 A. Because she said I was lying. I told her 13 she was lying, and then there was other 14 things that were being said that she said 15 that James Feagin said, and I had already 16 confronted James with that when the 17 others came out. So I asked James, Did 18 he say that he was going to string me up 19 on the job if she didn't watch my back? 20 And he said, "No." Then I told her then 21 she was lying. 22 Q. So who initiated that conversation? 23 A. Jesse.	1 Jesse made that statement? 2 A. I don't remember. 3 Q. And that was the statement in which he 4 said that she accused you of using a 5 racial slur; is that correct? 6 A. No, he said if she had something to say, 7 she should say it. 8 Q. Okay. And then you asked that she go 9 ahead and say it if she had something to 10 say; correct? 11 A. I just made that statement, but we were 12 trying to move the tapes and stuff to 13 finish cross-sections. 14 Q. All right. You had indicated that there 15 was some other conversations with some 16 other employees on the site, and would 17 you continue telling me about those 18 conversations. 19 A. The one with me and James? 20 Q. Yes. Was there any more to it than 21 you've already told? 22 A. At that particular day or at all? 23 Q. That particular day.	
	22	24
1 Q. From what I am hearing, the conversation 2 between you and Ms. Butler out on the job 3 site was initiated by you; is that 4 correct? 5 A. No, I was doing my work. 6 Q. Well, did she come over to you, or did 7 you go over to her and say whatever you 8 said to start the conversation? 9 A. We didn't neither one goes to each other. 10 I was standing by a truck, and she was in 11 a truck. 12 Q. Okay. But you were the one who made the 13 statement or asked her if she had -- 14 A. No, I didn't asked her. I asked her if 15 she has something to say she needs to say 16 it. 17 Q. Okay. All right. 18 MR. LYLES: What he's asking is 19 was that after Jesse told you 20 what he told you? 21 A. Yeah, Jesse had already said, made that 22 statement. 23 Q. (By Mr. Lewis) How long before that had	1 A. No. I mean, we had cross-sections to do, 2 and I called Todd, and I just told him 3 that things were getting out of hand. We 4 had cross-sections, We had to pay the 5 contractor, so we started back to work. 6 Q. When you said, "Things were getting out 7 of hand," what did you mean? 8 A. I mean, I knew what job. I was in charge 9 out there. Me and James were Chief 10 Inspectors and we were in charge of 11 getting them. And James had cancer, so I 12 was doing most of the legwork; he was 13 staying -- riding in the truck, writing 14 and stuff. I mean, I knew we had to pay 15 the contractor. They were coming up 16 behind us, if they cover up what we 17 needed to do cross-sections of, there is 18 no way to get it back. 19 Q. Okay. But I understand you had work to 20 do. What did you mean, "things were 21 getting out of hand"? 22 A. With all of the conversations. There 23 wasn't time for all of this to be going	

6 (Pages 21 to 24)

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	25	27
1)	on. We had work to do. We had a specific task that had a specific time limit, and that was the whole purpose of us being out there at that place.	1 that I said racial slurs and that I didn't want no trouble on the job. I was retiring in December -- that we need to clear it up.
2 Q.	Okay. But what you've just described is a conversation is just a couple of seconds. So what else was taking place that was causing what you perceive to be some interruption of your work?	2 Q. Okay. Did you get written up at all for that?
3 A.	Because this had been building up apparently since January, I had just found out like the week before. It was getting to be a hostile work environment because we had done quit riding together, and, I mean, everybody. There was tensions between the Blacks and the whites because of stuff being told to one group and another group.	3 A. No, no.
4 Q.	And what was some of the "stuff being told to one group and another group"?	4 Q. All right. Have you ever cussed Mr. Jackson out?
5 A.	Rene told me that James Feagin said one day while they were out there that he said, where is your f'in road dog?	5 A. Cussed Mr. Jackson out? No. I never cussed anybody else out.
6)		6 Q. Have you ever gotten angry in the office and thrown things?
7		7 A. No.
8		8 Q. Did you ever tell Ms. Butler that Mr. Waits was either gunning for her or she was on his list or anything like that?
9		9 A. No.
10		10 Q. Did either Mr. Waits, Mr. Jackson or Mr. Estes ever ask you to watch Ms. Butler or to report on Ms. Butler?
11		11 A. No.
12		12 Q. And you never reported that Ms. Butler
13		13)
14		14 26 28
15	And she said, "Who are you talking about?"	15 And she said, "Who are you talking about?"
16	And I done forgot what his response was, but he said, "You better watch your back if you care about her or you're going to find her strung up out here."	16 A. No. I didn't do the time sheets.
17	Q. Who was he referring to?	17 Q. All right. Are you aware of whether or not Ms. Butler was written up as a result of the confrontation between you and her over the racial slur -- alleged racial slur?
18	A. Me. And so I said something about confronting him and said, no, she would handle it.	18 A. Repeat that.
19	Q. Are you talking about Alverene?	19 Q. Are you aware of whether or not Ms. Butler was ever written up as a result of the confrontation over the alleged racial slur?
20	A. Yes. And so this was building up until apparently the time that I finally confronted James and said, "Look, James, I want to know what" because me and James had worked together years before. We had worked together a lot in the past, and we had never had a problem.	20 A. Not about the racial slur, no, sir.
21	Q. So you reported this conversation to Mr. Jackson. What did you tell Mr. Jackson?	21 Q. Are you aware of whether she was written up or not at all?
22	A. I just told him that it was being said	22 A. Ever? Yes.
23		23 Q. Okay. And to your knowledge, what she was written up for?
		24 A. I don't know right now.
		25 Q. Okay. Did Mr. Waits ever come to you to ask whether or not Ms. Butler was creating a hostile environment?
		26 A. No.

7 (Pages 25 to 28)

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	29		31
1	Q. Did he ever come to you asking you 2 anything at all about Ms. Butler?	1	Q. During that period of time did you 2 ever --
3	A. No.	3	A. Not to my knowledge.
4	Q. Did he ever ask you into his office to 5 ask about Ms. Butler?	4	Q. During the times that Ms. Butler and 5 Mr. Johnson and Mr. Wynn and Mr. Knight 6 were riding together in the field -- do 7 you recall that?
6	A. No.	8	A. Yes.
7	Q. During the time that you and Ms. Butler 8 worked together, did you have child care 9 responsibilities?	9	Q. Okay. During that period of time who 10 would leave the office last, do you know 11 who would be the one to close up and lock 12 the gate and stuff like that?
10	A. I have a daughter that's in school 11 still.	13	A. Well, it's according to whether we had, 14 what kind of construction job. I mean, 15 if we were finished before the office 16 help left, the office help locked up; if 17 we were last in, then we locked up -- 18 whoever.
12	Q. Did you ever get permission or ask 13 permission or were allowed to come in a 14 few minutes late in the mornings so that 15 you could drop your daughter off or 16 prepare her for what she was going to do 17 that day?	19	Q. And who were you riding with at that 20 time?
18	A. Ever since I was employed with the State?	21	A. I had a truck. I was Chief Inspector. I 22 rode by myself.
19	Q. Yes.	23	Q. Okay. Did Ms. Butler ever call in to
20	A. Yes.		
21	Q. And during what period of time were you 22 doing that?		
23	A. From the day I started in 1988 to the day		
	30		32
1	Todd put us in the field and me over 2 construction jobs.	1	report to you that she was ill and 2 couldn't come to work? Do you remember 3 any case like that?
3	Q. Was Ms. Butler working there at that 4 time?	4	A. Before the accident?
5	A. Some of it.	5	Q. I am specifically referring to the summer 6 of 2005, that would be after the 7 accident.
6	Q. Okay. Was there a policy change at any 7 point by which you were no longer 8 permitted to do that?	8	A. We weren't talking by then.
9	A. No.	9	Q. How long did you go without talking?
10	Q. All right. Was there ever a policy 11 change instituted by which workers were 12 only allowed to call in sick or late once 13 a month?	10	A. Probably April until maybe November or 11 so. Sporadic, just like, hey, how you 12 doing, in between.
14	A. Yes.	13	Q. Okay. Did you ever have leave that was 14 previously approved disapproved, later 15 disapproved after the fact?
15	Q. Okay. Do you know how long that policy 16 lasted?	16	A. Not that I know of.
17	A. I retired in April the 1st and it was 18 still ongoing.	17	Q. Have you ever gone through Ms. Butler's 18 personnel file?
19	Q. Still ongoing at the time. During the 20 period -- when was it instituted?	19	A. Not when I worked out in the field.
21	A. I don't remember the month.	20	Q. Well, let me ask you about August 30th, 21 2005, on that day, did you go through her 22 personnel file?
22	Q. Okay. Did it last for a year or more?	23	A. I don't remember that day.
23	A. Probably.		

8 (Pages 29 to 32)

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	33		35
1 Q. Do you remember ever going through Ms. Butler's personnel file?		1 Q. When Mr. Jackson -- I assume he would be your rating supervisor?	
2 A. When I worked in the office.		2 A. Yes.	
3 Q. Did you go through Ms. Butler's personnel file when you worked in the office?		4 Q. Did he have conversations with you in which you went over the results of your appraisal?	
4 A. I mean, I typed the evaluations and all, and I had to file them.		5 A. Yes.	
5 Q. On August 30th, 2005, were you working in the office?		6 Q. Where would those conversations take place?	
6 A. I don't remember.		7 A. Well, if construction was going on, we had to be there. He had to come out to the construction office, I mean, field, to the field. If it wasn't, he would call me in his office.	
8 Q. Would your personnel file reflect whether you were working in the office or out in the field?		8 Q. So you occasionally got your appraisal feedback out in the field?	
9 A. No.		9 A. Yes.	
10 Q. Are there documents that would reflect where you were working as of August 30th, 2005?		10 Q. Did you ever run compactions?	
11 MR. LYLES: Tell him, if you know.		11 A. Yes.	
12 A. I don't know. I was assigned out in the field. I may have been inside drawing cross-sections. I don't remember. I don't even remember what day that was		12 Q. Did you ever take slump tests?	
13)	34	13 A. Yes.	
14 1 on.		14 Q. Were you ever offered a job as Civil	
15 2 Q. (By Mr. Lewis) Do you remember Reeser Knight?		15 Engineer promotion?	
16 3 A. Yes.		16	
17 4 Q. Did you ever talk to Ms. Knight about any discomfort she experienced on the job?		17 A. Yes, it was a TT.	
18 5 A. Any discomfort Reeser experienced?		18 Q. What is that?	
19 6 Q. Yes.		19 A. That's the name they replaced Civil	
20 7 A. What, in specific, are you --		20 Engineer with, Transportation	
21 8 Q. Well, any complaints that she had about the job?		21 Technologist.	
22 9 A. No. She was pregnant when she left, and we would talk about that, you know, and that, being careful, because my daughter		22 Q. All right. When were you offered that job?	
23 10 was pregnant at the time. I mean, just general. I didn't have a problem with Reeser. Just general conversation.		23 A. It was between the summer and the fall of 2005. I was offered a couple of different times. I went on interviews, and then one was offered.	
11 Q. You had annual appraisals; is that correct?		24 Q. Okay. And did you accept that position?	
12 A. Yes.		25 A. No.	
13 Q. And were your appraisals generally good?		26 Q. Why didn't you accept the position?	
14 A. Yes.		27 A. I was retiring.	
15 Q. If you were retiring, why did you apply for the position?		28 Q. I took the test for the CE before it was even changed to TT. I was on the register. I had taken it, I don't know how many years, or a year, before or something.	
16 19 A. I took the test for the CE before it was even changed to TT. I was on the register. I had taken it, I don't know how many years, or a year, before or something.		30	

9 (Pages 33 to 36)

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	37		39
1 Q. But you interviewed for the position		1 say.	
2 knowing that you were going to retire?		2 Q. Just tell me whether or not you ever	
3 A. I interviewed for the position feeling		3 heard that Ms. Butler's version of the	
4 pretty sure I would retire.		4 accident differed from what you had told	
5 Q. By the time it was offered to you, you		5 Mr. Jackson.	
6 knew you were going to retire?		6 A. Her version differed to the point of	
7 A. Yes.		7 where I stopped or whether the guy	
8 Q. Have you ever received a written		8 stopped.	
9 reprimand in your position at ALDOT?		9 Q. Okay.	
10 A. Not that I recall.		10 A. That's the only thing. The proof of	
11 Q. Going back to that accident, and I asked		11 where they stopped and the accident	
12 you about whether or not you had ever		12 report. That's evidence itself.	
13 understood that Ms. Butler had told a		13 Q. And did you ever confront Ms. Butler over	
14 different version of how that accident		14 the fact that she had been saying things	
15 occurred, and you talked about the racial		15 different about how the accident occurred	
16 slur. Did you ever hear whether or not		16 from what you had been saying?	
17 Ms. Butler ever told anybody that the		17 A. I don't remember. It might have been	
18 accident was actually your fault?		18 during the time we were, you know, at the	
19 A. The accident was my fault. It was		19 hospital, when I went to meet her.	
20 faulted to me.		20 Because I went to the hospital after the	
21 Q. Okay.		21 accident with her.	
22 A. So I don't know what you want me to		22 Q. Okay. Was she hurt in the accident?	
23 say.		23 A. I mean, you have her doctor's reports. I	
	38		40
1 Q. All right. Did you ever report to Mr.		1 don't have them. Was she bleeding?	
2 Jackson that the accident was not your		2 Q. To your knowledge, was she hurt? Did	
3 fault?		3 she go?	
4 A. I said it wasn't my fault as far as I was		4 A. She went to the hospital.	
5 stopped, and he come across, but it was		5 Q. She went to the hospital. Okay, that's	
6 my fault in the sense that I was in that		6 all I needed.	
7 lane of traffic, so that's how it was		7 Did you ever -- have I asked	
8 faulted. I did not just pull out in		8 you whether or not you ever told	
9 front of him for him to hit me.		9 Ms. Butler that Mr. Waits was gunning for	
10 MR. LYLES: Here is a copy of the		10 her and had her on his list? Did you	
11 accident report. It shows		11 ever tell her that anybody in management	
12 that she was faulted with the		12 at ALDOT was either out to get her or had	
13 accident.		13 something --	
14 Q. (By Mr. Lewis) All right. So my		14 A. No.	
15 question -- and I really don't want to		15 Q. -- against her? Did anybody in	
16 beat this horse, because I think it's		16 management at ALDOT -- I'm talking about	
17 already dead: Did you ever hear that		17 primarily Mr. Waits, Mr. Jackson, Mr.	
18 Ms. Butler had told a different story		18 Estes -- did anybody in management at	
19 about how the accident took place from		19 ALDOT ever tell you to watch out for	
20 the one you had told to Mr. Jackson?		20 Ms. Butler or be careful around Ms.	
21 A. I mean --		21 Butler.	
22 Q. I know --		22 A. No.	
23 A. I mean, I don't know what you want me to		23 MR. LEWIS: How about giving me a	

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	41		43
}		minute? (Short recess)	outside the employee --
2		Q. (By Mr. Lewis) One other thing. Let me	2 A. Ever?
3		see if I can clear this up in my mind.	3 Q. Yes.
4		In order to be certified as a CE or a	4 A. Me and Mark knew each other. I knew him
5		Transportation Technologist now, did you	5 before he ever worked with the State. I
6		have to take an ACI test?	6 knew his family.
7		A. No, you have to take a CE test.	7 Q. Okay.
8		Q. Okay.	8 A. I knew his daddy.
9		A. Then to have your EA II and III, and I,	9 Q. So y'all were friends prior to working
10		maybe on -- I'm not quite sure you have	10 for the State?
11		to have your, you know, ACI test and	11 A. Yeah. I mean, we didn't go to each
12		all.	12 other's house, but I worked with -- his
13		Q. What is ACI; do you know what that stands	13 dad worked over at the District.
14		for?	14 Q. How about Mr. Jackson?
15		A. Something Concrete Institute.	15 A. I met him on the job.
16		Q. Okay.	16 Q. And no relationship outside the job?
17		A. American or Alabama. I don't know which	17 A. You were asking me personal relationship
18		one.	18 with just him or with his family?
19		Q. When did you take your course?	19 Q. Well, both.
20		A. I have no idea. It will be in my file.	20 A. Well, I mean, we speak and all, but as
21		Q. And did you take a test at the end of	21 far as going to his house and all, no.
22		that course?	22 Q. You don't socialize?
23)	23 A. No.
	42		44
1		A. Yes. You take a field test and a written	1 Q. How about with Mr. Waits?
2		test.	2 A. No. You mean, ever or now?
3		Q. Where did you take your written test?	3 Q. Well, you've already explained that prior
4		A. In -- we were either in the Division or	4 to that, you did.
5		this main building back there in the	5 A. I don't socialize with anybody I used to
6		conference. I can't remember where.	6 work with anymore. I am retired.
7		Q. Did you take it in the coordinator's	7 Q. Other than Ms. Butler, had you had
8		office?	8 confrontations with any of your other
9		A. No. I took it with everybody. I passed	9 co-workers over the years?
10		it.	10 A. Yes.
11		Q. All right.	11 Q. Can you remember the names of the people
12		A. As a matter of fact, I think made a 98 on	12 with whom you had those confrontations?
13		it.	13 A. Eric Robbins.
14		Q. And that test is good for how long?	14 Q. And who is Eric Robbins?
15		A. Four years, five.	15 A. He was a fellow employee of ours.
16		Q. You can't get your answers from him.	16 Q. What was that about?
17		A. Well, see, I'm retired. I've been	17 A. He was getting in to my personal
18		retired nearly a year ago. I don't	18 business, and I let him know fast that
19		remember.	19 that was none of his business.
20		Q. All right. One other thing. Do you	20 Q. Who else?
21		have, or have you had, a relationship	21 A. I don't remember. I worked with the
22		with either Mr. Waits or Mr. Jackson	22 State 25 years.
23		outside the workplace? In other words,	23 Q. How about, say, within the last five

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1 years before you retired?
2 A. When you are saying "confrontation," are
3 you talking about having a discussion, or
4 are you talking about --
5 Q. No. I'm talking about --
6 A. -- disagreements.
7 Q. -- confrontations in which voices were
8 raised and tempers flared and --
9 A. I've raised my voice at Todd. I mean, I
10 don't know what you mean. I've given my
11 opinion to Mark, I mean. Did I--
12 Q. How about any confrontations that ended
13 with two of you not speaking to each
14 other?
15 A. Me and Rene.
16 Q. That's it?
17 A. Yes.

18 MR. LEWIS: Okay. That's all I
19 have.
20 (Whereupon, the deposition
21 adjourned at 10:50 o'clock
22 a.m.)
23

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1 CERTIFICATE OF COURT REPORTER
2 I, DAWN A. GOODMAN, do hereby certify;
3 That I am a Certified Shorthand Reporter
4 of the State of Alabama;
5 That the foregoing pages are a true and
6 correct transcript of the Deposition of Karen
7 Stacey;
8 I further certify that I am not interested
9 in the outcome of said matter nor connected
10 with or related to any of the parties of said
11 matter or to their respective counsel.
12 Dated this 9th day of January, 2007, at
13 Prattville, Alabama.
14
15

16 _____
17 DAWN A. GOODMAN, CSR
18 State of Alabama
19
20
21
22
23

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